

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§		
Ian Donald et al.	§	Group Art Unit:	3673
	§		
Serial No.: 10/590,563	§	Examiner:	Unassigned
	§		
Filed: February 25, 2005	§	Confirmation No.:	8541
	§		
Title: Connection System for Subsea	§	Atty. Docket:	CMRN:0051
Flow Interface Equipment	§		OTE-031085 US
	§		
	§		
	§		

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING 37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d), or is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

July 29, 2008

Date

/Tait R. Swanson/

Tait R. Swanson

RENEWED PETITION UNDER 37 CFR § 1.47(a)

Dear Sir:

This is in response to the enclosed Decision on Petition. The Decision addresses Applicants' previous petition to accept the application without the signatures of joint inventors ("the Petition"). The Decision stated that the Petition met all of the requirements of 37 C.F.R. Section 1.47(a), with the exception of proving that the inventors refuse to execute the application or cannot be reached after diligent effort. Specifically, the Decision stated that the Petition failed to prove this element for the following two reasons:

- 1) The Petition did not prove that a copy of the application was presented to the inventors or their counsel; and
- 2) The Petition did not prove that the inventors refuse to sign.

These facts, however, are proven by the previously filed petition. As explained below, both of these facts are proven by the declaration of John Reid. Accordingly, Applicants respectfully request reconsideration of the Petition.

Inventors' Counsel Received a Copy of the Application

Background

The inventors of this application are employed by different entities. The non-signing inventors, Alan Crawford and Paul White, are employed by Vetco Gray Inc., and the signing inventors are employed by DES Enhanced Recover Limited, a competitor of Vetco. When approached about signing a declaration for the present application, the non-signing inventors (hereinafter “the inventors”) indicated that communication concerning this matter should be directed to Mark Barnett, Vetco’s counsel (hereinafter, “the inventors’ counsel”).

The Decision incorrectly infers that the inventors’ counsel did not receive a copy of the application. The Decision reaches this inference based on a letter mailed to the inventors’ counsel on August 21, 2006, a copy of which was attached to the Petition and is attached to this filing. The letter asked the inventors to sign the declaration. The letter did not explicitly state that a copy of the application was enclosed with the letter, and

from this omission, the Decision infers that the inventors did not receive a copy. This inference, however, is contrary to other evidence submitted with the petition.

Proof

The submitted evidence makes clear that the inventors' counsel did receive a copy of the application. Proof that the inventors received a copy of the application is supplied by the attached declaration of John Reid. In item 13 of the declaration, John Reid attests to a conversation with Mark Barnett, the attorney representing the inventors and their employer. During this conversation, the inventors' counsel stated that he had read PCT/2005/000725, that application at issue, thereby proving receipt of the application. The inventors' counsel could not have read the application without having received a copy of the application.

M.P.E.P Section 409.03 (d) requires applicants to prove that the inventors or the inventors' counsel *received* a copy of the application, not that the Applicants *sent* a copy of the application. The purpose of this rule is to ensure that applicants have provided notice to the inventors of what they are being requested to sign. Here, Applicants have proven that the inventors' counsel not only received a copy of the application, but that inventors' counsel also read a copy of the application. Accordingly, regardless of how the application was conveyed, it was received, as evidenced by the statements of the inventors' counsel that were made to John Reid. It follows that Applicants have demonstrated with evidence that the inventors' counsel received a copy of the application.

The Submitted Evidence Proves that the Inventors Refuse to Sign the Declaration

Background

The Decision wrongly infers that the inventors' refusal to sign is undocumented. The Decision focuses on an e-mail from the inventors' counsel on the 16th of November, 2006. In the e-mail, the inventors' counsel states that he is "unwilling to authorize them to sign the assignments." From this statement, the Decision infers that the inventors' unwillingness to sign the declarations is undocumented, stating "the fact that the attorney was unwilling to authorize the inventors to sign the assignment documents cannot be construed as a refusal to sign the declaration." Decision, page 2. Other submitted evidence, however, clearly documents that the inventors refuse to sign the declaration.

Proof

The declaration of John Reid proves that the inventors refuse to sign the declaration. In item 13 of the declaration, John Reid attests to a telephone conversation with the inventors' counsel. During this conversation, the inventors' counsel stated that he was "unwilling to authorize either Alan Crawford or Paul White to sign either the declaration/power of attorney or the assignments." (Emphasis added.) That is, according to their counsel, the inventors will not sign the declaration. John Reid's description of this conversation is proof that the inventors will not sign the declaration.

The e-mail relied on by the Decision, in which the inventors' counsel writes that he will not authorize the inventors to sign the assignment, is consistent with the evidence that the inventors will not sign the declaration. Nowhere in this e-mail does the inventors' counsel repudiate his statement that the inventors will not sign the declaration.

The inventors' counsel merely reiterates that the inventors will not sign the assignment.

The other statements of the inventors' counsel are not diminished by the email's silence as to the declaration. Indeed, at most, this e-mail is neutral as to whether the inventors will sign the declaration and is consistent with the other proof of the inventors' refusal to sign the declaration.

In short, John Reid has attested to multiple telephone conversations with the inventors' counsel in which the inventors' counsel repeatedly stated that he was unwilling to authorize the inventors to sign the declaration. Declaration of John Reid, items 13 and 14. Accordingly, the declaration of John Reid proves that the inventors will not sign.

Conclusion

Applicants have demonstrated that the previously filed petition is adequate. All of the requirements of 37 C.F.R. Section 1.47(a) have been proven. The inventors had notice of what they were being asked to sign, as evidenced by their attorney's statement that he had read the application, and the inventors refusal to sign is proven by the declaration of John Reid, in which he attests to the inventors' counsel's repeated statements that they will not sign. Thus, the inventors' counsel acknowledged receipt of the application and refusal to sign. Accordingly, Applicants respectfully reiterate their request to the Commissioner to accept the filing of this application by less than all of the inventors.

Respectfully submitted,

Date: July 29, 2008

/Tait R. Swanson/
Tait R. Swanson
Reg. No. 48,226
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Houston, TX 77269-2289

**Response to the Notification of
Missing Requirements and
Petition Under 37 C.F.R. § 1.47(a)**

Filed: December 13, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Ian Donald, et al.

Serial No.: 10/590,563

Filed: February 25, 2005

For: Connection System for Subsea Flow
Interface Equipment

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Group Art Unit: Unassigned

Examiner: Unassigned

Atty Docket: CMRN:0051 SWA/DRY
OTE/DES-031085 US

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d), or is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

December 13, 2007

/Tait R. Swanson/

Date

Tait R. Swanson

Sir:

**RESPONSE TO THE NOTIFICATION OF MISSING
REQUIREMENTS AND PETITION UNDER 37 C.F.R. § 1.47(a)**

In Response to the Notification of Missing Requirements under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) mailed May 14, 2007, please find enclosed the following papers: (1) a copy of the Notification of Missing Requirements; (2) a partially executed Declaration pursuant to 37 C.F.R. § 1.63; and (3) the Declaration of John Reid detailing pertinent facts in support of this Petition (the "Reid Declaration").

Petitioner respectfully requests the Commissioner to accept the filing of the above-identified application by less than all of the inventors, specifically, two joint inventors on their behalf and on behalf of two omitted inventors in accordance with 37 C.F.R. § 1.47(a). *See also* M.P.E.P. § 409.03.

The above-identified application names four joint inventors: Ian Donald, John Reid, Alan Crawford, and Paul W. White. This Petition is being filed with a duly executed Declaration of two of the inventors, namely, Ian Donald and John Reid, on behalf of themselves and on behalf of Alan Crawford and Paul W. White. As set forth in the Reid Declaration (incorrectly identified as pursuant to

§ 1.47(d) rather than § 1.47(a)) and its accompanying exhibits, Alan Crawford and Paul W. White have refused to join in the application or to execute documents in support of it.

The name and last known addresses of the omitted co-inventors in this application are as follows:

Alan Crawford
168C Hutcheon Street, Aberdeen, United Kingdom

Paul W. White
38 Cairds Wynd, Abotts Wood, Banchory, AB31 5UX, United Kingdom

The omitted joint inventors, Alan Crawford and Paul W. White, by virtue of a Patent Assignment dated March 24, 2004 and a Confirmatory Agreement dated February 11, 2005 and March 17, 2005, assigned US Patent Application No. 60/548,727 and any continuing applications thereof, all US Letter Patent which may be granted on said applications, and including the right to file further Applications and the right to be granted Patents pursuant to any such further Applications anywhere in the world claiming priority from US Patent Application No. 60/548,727 to DES Enhanced Recovery Limited. The present application is such a further Application claiming priority from US Patent Application No 60/548,727, and is hence assigned by virtue of the Assignment and Confirmatory Agreement. A copy of the Assignment and Confirmatory Agreement accompany this Petition (see Appendix A and Annex 1 of the Declaration of John Reid). Petitioner, therefore, is entitled to clear title to the invention claimed in the Application, and to the Application and any patent which may issue thereon.

Additionally, as Petitioner will establish below, the conduct of Alan Crawford and Paul W. White constitutes a refusal to join in the application. As stated in the Manual of Patent Examining Procedure, "When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition." M.P.E.P. § 409.03(d)(II).

John Reid initially attempted to contact Paul W. White directly and was advised to direct all requests through his employer's attorney Mark Barnett, who is Associate General Counsel of ABB

Vetco Gray, Inc. Declaration of John Reid, para. 9. Mr. Reid requested Mr. Barnett to obtain Alan Crawford's and Paul White's signatures in a letter dated August 21, 2006. *Id.* at para. 10; Appendix B. On October 24, 2006, Mr. Reid telephoned Mr. Barnett, requesting the Declaration and Assignments to be signed by the inventors, and followed up the phone conversation with a reminder e-mail on November 2, 2006. *Id.* at para. 11-12; Appendix C. On November 16, 2006, Mr. Reid had a telephone conversation with Mr. Barnett in which he confirmed that Mr. Barnett had read PCT/2005/000725 and that he was unwilling to authorize either Alan Crawford or Paul White to sign either the Declaration/Power of Attorney or the Assignments, and therefore refused to authorize the inventors to sign the papers. *Id.* at para. 13. In the phone conversation, Mr. Barnett stated that in his opinion, all necessary transfer documents had already been signed, and the phone conversation was followed by an e-mail from Mr. Barnett stating that he was unwilling to authorize the inventors to sign the documents, and confirming that Mr. Barnett has reviewed the documents. *Id.* at para. 14-16; Appendix D. As of February 23, 2007, Mr. Reid had not received any other responses from Mark Barnett, Alan Crawford, or Paul White.

Petitioner asserts that in view of these facts they have made a diligent effort to contact Alan Crawford and Paul W. White, and the conduct of Alan Crawford, Paul W. White, and Mark Barnett constitutes a refusal of the inventors Alan Crawford and Paul W. White to join in the present Application.

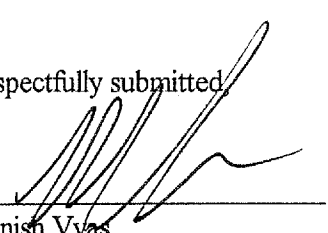
In view of this refusal, joint inventors Ian Donald and John Reid are believed to be entitled to make such application on behalf of Alan Crawford and Paul W. White. Moreover, Petitioner believes that the prosecution, without delay, of the Application is necessary to preserve the rights of Petitioner and to prevent irreparable damage which might occur from a loss of proprietary rights to the invention covered by the Application.

Authorization for Extension of Time and Payment of Fees

Petitioner hereby requests a 5 (five) month extension in the statutory period for Response to the Notice to File Missing Requirements from July 14, 2007 to December 14, 2007, in accordance with 37 C.F.R. § 1.17(a). The Commissioner is authorized to charge the requisite fee of \$2490.00 (\$130 late filing surcharge under 37 C.F.R. § 1.492(h), \$200 petition fee under 37 C.F.R. § 1.17(g), and \$2160 for a five-month extension), and any additional fees which may be required, to Deposit Account No. 03-0335; Order No. OTE-031085US (CMRN:0051/SWA).

Date: December 13, 2007

Respectfully submitted,



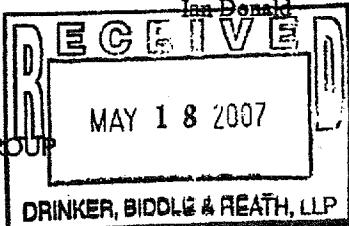

Manish Vyas
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Houston, TX 77041
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UNITED STATES PATENT AND TRADEMARK OFFICE

OTE/DES-0310854S

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/590,563	FIRST NAMED APPLICANT Ian Donald	ATTY. DOCKET NO. 36290-0426-00-US (229972)		
23973 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996		INTERNATIONAL APPLICATION NO. PCT/GB05/00725		
		<table border="1"> <tr> <td>I.A. FILING DATE 02/25/2005</td> <td>PRIORITY DATE 02/26/2004</td> </tr> </table>	I.A. FILING DATE 02/25/2005	PRIORITY DATE 02/26/2004
I.A. FILING DATE 02/25/2005	PRIORITY DATE 02/26/2004			
		CONFIRMATION NO. 8541 371 FORMALITIES LETTER  *OC000000023840860*		

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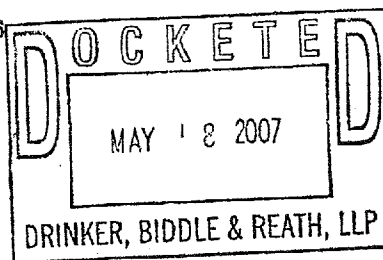
JUN 13 2007

Date Mailed: 05/14/2007

AP
NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/24/2006
- Copy of the International Search Report filed on 08/24/2006
- Preliminary Amendments filed on 08/24/2006
- Information Disclosure Statements filed on 08/24/2006
- Request for Immediate Examination filed on 08/24/2006
- U.S. Basic National Fees filed on 08/24/2006
- Priority Documents filed on 08/24/2006
- Specification filed on 08/24/2006
- Claims filed on 08/24/2006
- Abstracts filed on 08/24/2006
- Drawings filed on 08/24/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,563	PCT/GB05/00725	36290-0426-00-US (229972)

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONNECTION SYSTEM FOR SUBSEA FLOW INTERFACE EQUIPMENT

the specification of which (check one)

☐ is attached hereto.

☒ was filed on February 25, 2005 as PCT International Application No. PCT/GB2005/000725, and which was amended in a Preliminary Amendment filed 24 August 2006 in connection with the US national phase thereof, which has been allocated the US Application No 10/590,563.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIORITY FOREIGN APPLICATION(S)

Priority Claimed

Yes ☐ No ☐

(Number) (Country) (Day/month/year filed)

Yes ☐ No ☐

(Number) (Country) (Day/month/year filed)

Yes ☐ No ☐

(Number) (Country) (Day/month/year filed)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/548,727

26/02/2004

(Application Number)

(Filing Date, Day/month/year)

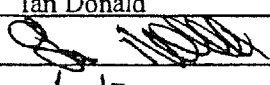
I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

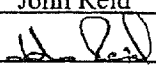
_____ (Application Serial No.)	_____ (Filing Date, Day/month/year)	_____ (Status)(patented, pending, abandoned)
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And I hereby appoint Arthur H. Seidel, Registration No. 15,979; Gregory J. Lavorgna, Registration No. 30,469; Daniel A. Monaco, Registration No. 30,480; Thomas J. Durling, Registration No. 31,349; John J. Marshall, Registration No. 29,671; Joseph R. DelMaster, Jr., Registration No. 38,123; Robert E. Cannuscio, Registration No. 36,469; and George A. Frank, Registration No. 26,708, my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to Robert E. Cannuscio at Drinker Biddle & Reath LLP, One Logan Square, 18th & Cherry Streets, Philadelphia, PA 19103-6996. Address all telephone calls to Robert E. Cannuscio at 215-988-3303 (telefax: 215-988-2757).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first inventor Ian Donald
Inventor's signature 
Date 20/2/07
Residence Aberdeenshire, United Kingdom
Citizenship United Kingdom
Post Office Address Ramstone Millhouse, Moneymusk,
Aberdeenshire, AB51 7TS
United Kingdom

Full name of sole or first inventor John Reid
Inventor's signature 
Date 30 JANUARY 2007
Residence Dundee, United Kingdom
Citizenship United Kingdom
Post Office Address East Ladyfield Cottage
Balruddery, Invergowrie, Dundee DD2 5LJ
United Kingdom

Full name of sole or first inventor Alan Crawford

Inventor's signature _____

Date _____

Residence Aberdeen, United Kingdom

Citizenship United Kingdom

Post Office Address 168C Hutcheon Street

Aberdeen,

United Kingdom

Full name of sole or first inventor Paul W. White

Inventor's signature _____

Date _____

Residence Banchory, United Kingdom

Citizenship United Kingdom

Post Office Address 38 Cairds Wynd, Abotts Wood,

Banchory, AB31 5UX

United Kingdom

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ian DONALD et al

Application No.: 10/590,563

Group Art Unit: Not Yet Assigned

Filing Date: August 24, 2006

Examiner: Not Yet Assigned

Title: Connection System for Subsea Flow Interface Equipment

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration Under 37 CFR 1.47(d)

1. My name is John Reid of East Ladyfield Cottage, Balruddery, Invergowrie, Dundee DD2 5LG, UK.
2. I work for DES Enhanced Recovery Limited in a contractual capacity.
3. Alan Crawford and Paul White were named inventors of US Patent Application No 60/548,727, which was filed in their joint names.
4. The filing and processing of US Patent Application 60/548,727 was handled by the employer of Alan Crawford and Paul White, ABB Vetco Gray Inc.
5. US Patent Application 60/548,727 was assigned to DES Enhanced Recovery Limited, including all inventorship rights of Alan Crawford and Paul White, in an assignment dated 24 March 2004 and Confirmatory Agreement dated 11 February 2005 and 17 March 2005 (Appendix A).
6. PCT/2005/000725 was filed by DES Enhanced Recovery Limited and claims priority from US Patent Application 60/548,727.
7. US Patent Application No 10/590,563 is the US national phase of PCT/2005/000725 and hence also claims priority from US Patent Application No 60/548,727.
8. I was asked by DES Enhanced Recovery Limited's Patent Attorneys to obtain the signatures of Alan Crawford and Paul White on a Declaration/Power of Attorney, a US Assignment and a Canadian Assignment, for US Patent Application 10/590,563 and its corresponding Canadian Patent family member.

9. I contacted Paul White and was advised all requests should be directed through Mark Barnett, who is Associate General Counsel of ABB Vetco Gray Inc.

10 I requested Mark Barnett to obtain Alan Crawford's and Paul White's signatures on these documents in my letter of 21 August 2006 (Appendix B).

11. On 24 October 2006, I telephoned Mark Barnett, requesting the Declaration and Assignments to be signed by the inventors Alan Crawford and Paul White and returned to me.

12. On 2 November 2006, I followed up this telephone conversation with a reminder e-mail (Appendix C).

13. On 16 November 2006, I had a telephone conversation with Mark Barnett, in which he confirmed that he had read PCT/2005/000725 and that he was unwilling to authorize either Alan Crawford or Paul White to sign either the Declaration/Power of Attorney or the Assignments, and therefore refused to authorize the inventors to sign the papers.

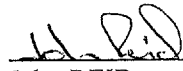
14. In this telephone conversation of 16 November 2006, Mark said that, in his opinion, all necessary transfer documents had already been signed.

15. On 16 November 2006, after the telephone conversation, I received an e-mail from Mark Barnett saying that he was unwilling to authorize the inventors to sign the documents (Appendix D).

16. This e-mail of 16 November 2006 also positively confirms that Mark Barnett had reviewed the documents to which the assignments would apply.

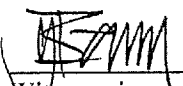
17. I have to date received no other response from Mark Barnett, Alan Crawford or Paul White.

18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements and the like may jeopardize the validity of the Application or any Patent issuing thereon.



John REID

Date: 23 FEB 07



Witness signature

Attorney Docket No. 36290-0426-00-US (229972)

PATENT

CAROL M. STERN
Name of Witness

CONFIRMATORY AGREEMENT

WHEREAS, we Alan Crawford, and Paul W. White, citizens of the United Kingdom, with respective post offices addresses of: 168C Hutcheon Street, Aberdeen, Scotland and 38 Cairds Wynd, Abbots Wood, Banchory, AB31 5XU, Scotland, hereinafter generally referred to as "APPLICANTS", have filed a United States Patent Application No 60/548,727 (hereinafter referred to as "THE PATENT APPLICATION" for an invention entitled:

MOUNTING SYSTEM FOR SUBSEA FLOW INTERFACE EQUIPMENT

hereinafter referred to as "THE INVENTION",

THE PATENT APPLICATION having a filing date of 26 February 2004,

WHEREAS ABB Vetco Gray Inc, a Delaware Corporation with business office at 3010 Briar Park Drive, Houston Texas 77042, USA, hereinafter generally referred to as "VG", is the employer of APPLICANTS, and

WHEREAS VG and APPLICANTS will hereinafter be referred to collectively as ASSIGNORS, and

WHEREAS, DES Enhanced Recovery Limited, a British corporation (registration number SC195350), formerly of Westhill Business Centre, Arnhall Business Park, Westhill, Aberdeen, AB32 6US, United Kingdom, and now having a place of business at 3 Prospect Place, Westhill, Aberdeen, AB32 6SY, United Kingdom, hereinafter generally referred to as "ASSIGNEE" is entitled to the ownership of THE INVENTION and THE PATENT APPLICATION,

WHEREAS ASSIGNORS have assigned THE PATENT APPLICATION to ASSIGNEE by an assignment dated 24 March 2004, hereinafter generally referred to as THE ASSIGNMENT, THE ASSIGNMENT being attached hereto as ANNEX 1,

NOW, ASSIGNORS and ASSIGNEE hereby agree that a typographical error was made in the wording of THE ASSIGNMENT, the error being in the application number of THE PATENT APPLICATION, which number should have been given as 60/548,727 and not 60/548,630,

AND ASSIGNORS and ASSIGNEE hereby confirm, for the avoidance of any possible doubt, that THE ASSIGNMENT relates to US Patent Application No 60/548,727 and that THE ASSIGNMENT was effective to transfer US Patent Application No 60/548,727, the invention described and claimed therein and all rights thereto mentioned in THE ASSIGNMENT.

This agreement is effective as of 24 March 2004.

17 MAR '05

Date

Alan Crawford

Alan Crawford

Maura Mitchell

(Witness)

17.03.05

Date

Paul W. White

Paul W. White

Maura Mitchell

(Witness)

17/3/05

Date

George Chalmers

~~Norman Brammer~~ GEORGE CHALMERS AC
for and on behalf of ABB Vetco Gray Inc.
FORMERLY KNOWN AS ABB VETCO GRAY INC.

Maura Mitchell

(Witness)

11/2/05

Date

Tom Bryce

Tom Bryce

for and on behalf of DES Enhanced
Recovery Limited

David Walker

(Witness)

ASSIGNMENT

WHEREAS, we, Alan Crawford and Paul W. White, citizens
of: UNITED KINGDOM, with respective post office addresses:

of: 168C HUTCHEON STREET
ABERDEEN
SCOTLAND

and 38 CARLOS WYND
ABBOTS WOOD
BANCHORY, AB31 5XU
SCOTLAND

(hereinafter generally referred to as "APPLICANTS"),
have filed United States Patent Application
No60/548630 (hereinafter referred to as "THE PATENT APPLICATION"), for an
invention entitled:

MOUNTING SYSTEM FOR SUBSEA FLOW INTERFACE EQUIPMENT,
(hereinafter referred to as "THE INVENTION").
THE PATENT APPLICATION having a filing date of 26th February 2004 and

WHEREAS ABB Vetco Gray Inc, a Delaware Corporation with business office
at 3010 Briar Park Drive, Houston Texas 77042, USA, hereinafter generally referred to
as "VG", is the employer of APPLICANTS, and

WHEREAS VG and APPLICANTS will hereinafter be referred to collectively
as ASSIGNORS, and

AW
Q

WHEREAS, DES Enhanced Recovery Limited, a British corporation (registered number SC195350) having a place of business at Westhill Business Centre, Arnhall Business Park, Westhill, Aberdeen, AB32 6US, United Kingdom, hereinafter generally referred to as "ASSIGNEE", is entitled to the ownership of THE INVENTION and THE PATENT APPLICATION and is desirous of acquiring the same,

NOW, THEREFORE, in consideration of the sum of One Dollar and other good and valuable executed consideration, the full receipt and sufficiency of all of which are hereby acknowledged, and intending to be legally bound hereby, we, the undersigned ASSIGNORS, hereby agree to sell, assign, transfer and convey and by these presents do sell, assign, transfer and convey unto the above-named ASSIGNEE, the whole and entire right, title and interest in and to THE INVENTION as described in THE PATENT APPLICATION,

In and to THE PATENT APPLICATION, including any continuing and/or divisional applications therefore, any provisional applications identified in the above application, any and all United States Letters Patent which may be granted on said application(s) including reissues and re-examinations of such Letters Patent and any other Applications in other territories relating to THE INVENTION; and including the right to file further Applications and the right to be granted Patents pursuant to any such further Applications anywhere in the world, claiming priority from THE PATENT APPLICATION and any such other Applications;

THE INVENTION, THE PATENT APPLICATION, any such further Applications and any such other Applications and Letters Patent to be held and enjoyed by the above-named ASSIGNEE, for ASSIGNEE's own use and behoof, and for ASSIGNEE's legal representatives and assigns to the full end of the term or terms for which said Letters Patent may be granted, as fully and entirely as the same would have been held by the undersigned ASSIGNORS had this assignment and sale not been made; and for the aforesaid consideration ASSIGNORS hereby covenant, agree and undertake to execute, whenever requested by the above-named ASSIGNEE, all patent applications, assignments, lawful oaths and any other papers which ASSIGNEE may

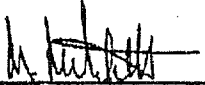
RW.
[Signature]

deem necessary or desirable for securing to ASSIGNEE or for maintaining for ASSIGNEE all the Letters.

Patent hereby assigned or agreed to be assigned; all without further compensation to the undersigned ASSIGNORS. Furthermore, the ASSIGNORS hereby appoint the ASSIGNEE as their lawful attorney with full power and authority to execute and deliver any and all documents, which may be required in order to perfect the right, title and interest of the ASSIGNEE in THE INVENTION and THE PATENT APPLICATION.

24 MAR '04

Date



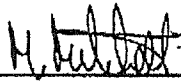
(Witness)




Alan Crawford

24.03.04

Date



(Witness)



Paul W. White

24 March 2004

Date



(Witness)

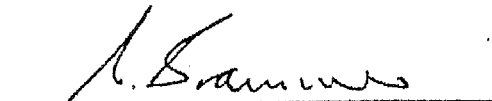


ABB Vetco Gray Inc.

24 March 2004

Date



(Witness)



DES Enhanced Recovery Limited

DES Operations Limited
3 Prospect Place
Westhill
Aberdeen AB32 6SY
Tel: +44 (0) 1224 748480
Fax: +44 (0) 1224 748481
W: www.des-operations.com

APPENDIX B



Vetco Gray inc.
3010 Briarpark
Houston
Texas 77042
USA.

21 August 2006



For the attention of: Mark Barnett.

Dear Mark,

Please find attached three off documents:

- 1) US Assignment document, (signed by I. Donald & J. Reid of DES Operations Ltd.)
- 2) Canadian Assignment document, (signed as per 1. above.)
- 3) Power of attorney document, (signed as per 1. above).

These documents refer to an original Vetco patent (Ref: US 60/548,727) assigned to DES and subsequently added to by DES. The enhanced patent will be filed in the US national phase at the end of this month.

Paul White and Alan Crawford were named as inventors on the original Vetco application. To progress the documentation our patent lawyers advise that both Paul and Alan's signatures are required on the above listed documents.

As the US patent office will require the assignation document soon after filing, your assistance in attaining the signatures is very much appreciated. If you require further assistance or clarification please contact myself or Ian Donald.

Yours sincerely

A handwritten signature in cursive script, appearing to read "John Reid".

John Reid.



APPENDIX C

John Reid

From: John Reid
Sent: 02 November 2006 11:43
To: 'Mark.Barnett@vetco.com'
Cc: Ian Donald (DES)
Subject: Connection system patent. (Assignment documents.)

Dear Mark,
Since my telephone call of the 24th October (regards inventor signatures for assignment documents,) the DES patent agents are again requesting the documents for submission to the US patent office. Please advise if you have had time to process / review the documents and a likely time scale for the return of said documents to DES.

For reference, the assigned patent No. is: WO2005/083228 A1

If there are any difficulties or you require further information, please telephone etc, with details.

Thanks and regards,
John.

DES Operations Limited
Tel: +44 (0) 1224 748460

APPENDIX D

Murgitroyd & Company Incoming Mail

Received on 16/11/2006 at 22:09

From JReid@des-operations.com
To (2) "Debi Brown" <Debi.Brown@murgitroyd.com>
Subject FW: Connection system patent. (Assignment documents.)
People Forwarded (1) SMTP MAIL IN: Murnane G Group
Cases Forwarded (0)

Further to my previous e-mail, find below Mark's reply to the telephone call. (Just received.)
John.

DES Operations Limited
Tel: +44 (0) 1224 748460

-----Original Message-----

From: Mark.Barnett@vetco.com [mailto:Mark.Barnett@vetco.com]
Sent: 16 November 2006 21:52
To: John Reid
Cc: paul.white@vetco.com; alan.crawford@vetco.com; gary.shaw@vetco.com
Subject: Re: Connection system patent. (Assignment documents.)

John:

I have finally tracked down your original August 21, 2006 correspondence, where you initially requested that Paul White and Alan Crawford sign certain assignment documents. However, after careful consideration of the request and a review of the documents to which these assignments would apply, I am unwilling to authorize them to sign the assignments for the reasons I provided on our telephone call today. DES does already have proper assignments related to the provisional application that Vetco filed related to Vetco's conceptions on the bridging system, so I believe you have what you need to address claims to that scope.

Regards,
Mark

Mark H. Barnett
Associate General Counsel - IP

Dear Mark,
Since my telephone call of the 24th October (regards inventor signatures for assignment documents,) the DES patent agents are again requesting the documents for submission to the US patent office.
Please advise if you have had time to process / review the documents and a likely time scale for the return of said documents to DES.

For reference, the assigned patent No. is: WO2005/083228 A1

**Decision on Petition Under
37 C.F.R. § 1.47(a)**

Dismissed Without Prejudice



29 MAY 2008

SWA/TVC

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FLETCHER YODER (CAMERON INTERNATIONAL CORPORATION)
P.O. BOX 1212
HOUSTON TX 77251

RECEIVED
JUN 3 - 2008
Cameron Intl. Corp.
Patent Services

In re Application of DONALD et al.
Application No.: 10/590,563
PCT No.: PCT/GB05/00725
Int. Filing: 25 February 2005
Priority Date: 26 February 2004
Attorney Docket No.: CMRN:0051/SWA OTE-031085
For: CONNECTION SYSTEM FOR SUBSEA FLOW
INTERFACE EQUIPMENT

: DECISION ON PETITION
:
: UNDER 37 CFR 1.47(a)
:
:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 13 December 2007, to accept the application without the signatures of joint inventors ALAN CRAWFORD AND PAUL W. WHITE. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 24 August 2006, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 14 May 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 13 December 2007, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventors. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requests the acceptance of the application without the signatures of inventors ALAN CRAWFORD AND PAUL W. WHITE, alleging that Messrs. CRAWFORD and WHITE refuse to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite petition fee, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventor was provided. With regard to item (4), the declaration executed by the available joint inventors on their behalf and on behalf of the non-signing inventors were submitted. Item (4) is satisfied.

Inventor's Refusal to Sign

With respect to Item (2) above, the declaration by John Reid, joint inventor and employee for DES Enhanced Recovery Limited., was attached to the petition, detailing the efforts made to obtain the nonsigning inventors' signatures. Mr. Reid detailed his attempts to contact the nonsigning inventors via their attorney. According to Mr. Reid's declaration, on 21 August 2006, he sent Mark Barnett, the attorney for the nonsigning inventors, a letter requesting the signatures of inventors Crawford and White on the following documents: "US assignment document, Canadian Assignment document and Power of attorney document". The 21 August 2006 letter makes no mention that a copy of the application including specification, claims (and drawings if any) and declaration was enclosed. On 16 November 2006, Mr. Reid telephoned Mr. Barnett regarding the non-signing inventors' signatures on the documents. According to Mr. Reid, attorney Barnett confirmed that "he had read PCT/2005/000725 and that he was unwilling to authorize either Alan Crawford or Paul White to sign either the Declaration/Power of Attorney or the Assignments, and therefore refused to authorize the inventors to sign the papers".

On the same date, in an email communication, the nonsigning inventors' attorney Barnett reiterated that "after careful consideration of the request and a review of the documents to which these assignments would apply, I am *unwilling to authorize them to sign the assignments* for the reasons I provided on our telephone call today." (Emphasis added.) This is not evidence that the non-signing inventors refused to sign the *declarations* relating to this application. No mention of an unwillingness to authorize the inventors signatures on the declarations was made by Mr. Barnett.

The fact that the attorney was unwilling to authorize the inventors to sign the assignment documents cannot be construed as a refusal to sign the declaration. Petitioner has not provided proof as set forth in Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal.¹ Petitioner has not provided evidence that a complete copy of the application papers was presented to the non-signing inventors and their refusal to sign the application. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

¹ A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

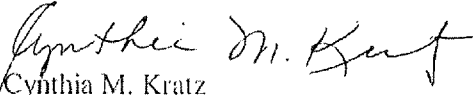
When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition. (Emphasis added.)

CONCLUSION

The petition under 37 CFR §1.47(a) is DISMISSED WITHOUT PREJUDICE.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile (571) 272-0459